PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 97,429)

In re Application of:)
R.D. Gilmore et al. $yy_1 + \frac{2}{3}y_2 + \frac{2}{3}$)
Serial No.: 09 004,395) Examiner: N. Minnifield
Filed: January 8, 1998) Art Unit: 1645
For: Recombinant P37 FLAA as a Diagnostic Reagent)))

TRANSMITTAL LETTER

Asst. Commissioner for Patents Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

- 1. We are transmitting herewith the attached:
 - a) Information Disclosure Statement:
 - b) PTO Form 1449 and 4 cited references;
 - c) Return postcard
- 2. With respect to fees:
 - a) No fees are due.
 - b) <u>General Authorization</u>: Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
- 3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Iransmittal I etter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231 on this th day of July 1999

Respectfully submitted.

JUL Z

CERTIFICATE OF MAILING

Thereby certify that this paper and every paper referred to therein as being enclosed is being deposited with the U.S. Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

on 10/4/12/1999

(Date of Deposit).

Date Same

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Serial No.: 09/004,395) Examiner:	N. Minnifield ⁷
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Filed: January 8, 1998) Art Unit:	1645
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For: Recombinant P37/FLAA as	a Diagnostic)	
Reagent)	

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

In order to comply with discretionary regulations 37 CFR 1.97 and 1.98, attached hereto is

Form PTO-1449, and copies of the documents listed thereon. These documents contain

known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no the first test and its test and its test and included in the conduction of

To the extent that a document is listed and no copy of same is attached, then such document is

information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

- 1. International Patent No. WO 97/42325, published November 13, 1997
- 2. German Patent No. DE 41 20 345, published December 24, 1992
- 3. Aguero-Rosenfeld et al., (1996) Journal of Clinical Microbiology, Vol. 34, pp. \$\pm\$9
- 4. Gilmore, R.D. Jr., (1999) Journal of Clinical Microbiology, Vol. 37, pp. 548-552

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended

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determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Dated: July (21999)

Respectfully submitted.

Emily Miao

Registration No. 35,285

McDonnell Boehnen Hulbert and Berghoff. 300 South Wacker Drive, Suite 3200 Chicago, Illinois 60606 312-913-0001, Facsimile 312-913-0002